

REMARKS

The application now contains claims 1, 3, 4 and 6-9, all of which are under examination.

Allowable Subject Matter

The Examiner is thanked for the allowance of claim 3. The Examiner is also thanked for indicating that claim 6 contained allowable subject matter. Claim 6 was dependent on claim 4, but has now been rewritten to incorporate all the subject matter of claim 4. As currently amended claim 6 is also clearly allowable.

In addition, new claims 7-9 have been added. These claims recite three different features recited in claim 6 and as such are also allowable. Claims 2 and 5 have been cancelled because they do not further limit the claims from which they depend.

Issues Under 35 USC 102

The rejection of claims 1, 2, 4, and 5 in the last Office Action as anticipated by US 6,528,814 (Swiler) is traversed.

Assuming arguendo that Swiler teaches rare earth oxides combined with transition metal oxides as pigments which may have relevant L*a*b* values; and further assuming arguendo that Swiler discloses the rare earth oxide containing titanium, such as $Y_2Ti_2O_7$; even so Swiler fails to disclose the use of carbon or molybdenum to

be contained in the pigment. More particularly Swiler fails to disclose the rare earth oxide powders of a gray or black color having the specific L*a*b* values, and containing carbon or molybdenum. Nor does Swiler disclose articles which have been thermal spray coated with such powders.

For the above reasons Swiler does not anticipate the claimed invention.


Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David R. Murphy (Reg. No. 22,751) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s) :

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